

IN RE: PETITION FOR VARIANCE
W/S Lilac Avenue, 25' E of the
W/1 of Magnolia Avenue
(3612 Lilac Avenue)
13th Election District
1st Councilmanic District

Jeffrey Lee Back
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-116-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 3612 Lilac Avenue, located in the vicinity of Annapolis Road in Lansdowne. The Petition was filed by the owner of the property, Jeffrey Lee Back. The Petitioner seeks relief from Section 415.A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R. to permit a recreational vehicle to be situated in the front yard in lieu of the required side or rear yard. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Jeffrey Back, property owner. There were no Protestants present, however, the Petition was filed in response to a complaint registered with the Permits and Development Management (PDM) office as to the storage of a 15-foot fiberglass boat in the front yard of the subject property.

Testimony and evidence offered revealed that this property is a corner lot consisting of 7,581 sq.ft., zoned D.R. 5.5, and is improved with a single family dwelling approximately 90 years old. The Petitioner testified that the property has been in his family for 25 years and that he has always stored the subject boat in the front yard since his purchase of same 11 years ago. Testimony and evidence presented indicated that due

ORDER RECEIVED FOR FILING

Date

By

11/1/95
JLP

3612 Lilac Avenue

to the unusual configuration of this lot and the location of existing improvements thereon, there is insufficient space in the side or rear yards for the Petitioner to store his boat. A review of the site plan shows that an L-shaped parking pad extends across the front of this lot and that the Petitioner stores the boat on the extended portion of this parking pad. Mr. Back testified that during boating season, the boat is stored on a trailer and is covered with a tarp when not in use.

Further testimony revealed that Mr. Back recently removed the boat from his property. However, he seeks approval to store the boat in this location when boating season returns. In addition, Mr. Back seeks approval to store a 26-foot camper in the same location when his boat is not stored on the property. Testimony indicated that the camper will only be stored on the property when it will be used on trips. Mr. Back testified that although the camper is usually stored elsewhere, he would like the option of storing either the camper or the boat in the location shown on Petitioner's Exhibit 1 whenever the seasonal use of either recreational vehicle is appropriate.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

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Date

By

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. Furthermore, it is clear that the subject boat has been stored on the property since its purchase 11 years ago, without prior complaint and that the storage of either the boat or the camper on the subject property will not result in any detriment to the surrounding locale. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

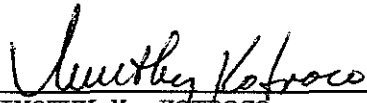
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31st day of October, 1995 that the Petition for Variance seeking relief from Section 415.A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R. to permit a recreational vehicle to be situated in the front yard in lieu of the required side or rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If for any reason this Order is reversed, the relief granted herein shall be rescinded.

2) The relief granted herein is limited to the Petitioner's storage of either the 15' fiberglass boat or the 26-foot camper he currently owns. In the event the Petitioner wishes to store a larger recreational vehicle on the premises, then a Petition for Special Hearing must be filed to determine the appropriateness of same. Furthermore, the Petitioner is limited to storing only one of the two subject recreational vehicles on the property at any one time.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 11/1/95

By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

November 1, 1995

(410) 887-4386

Mr. Jeffrey Lee Back
3612 Lilac Avenue
Baltimore, Maryland 21227

RE: PETITION FOR VARIANCE
W/S Lilac Avenue, 25' E of the c/l of Magnolia Avenue
(3612 Lilac Avenue)
13th Election District - 1st Councilmanic District
Jeffrey Lee Back - Petitioner
Case No. 96-116-A

Dear Mr. Back:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco", is written over the typed name.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

96-116-A

3612 Lilac Ave

which is presently zoned

DRS.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 415A.1A

To allow a recreational ^{Vehicle} ~~deck~~ to be situated in the front yard in lieu of the required side yard. ^{TRK}

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

See Exhibit "A"

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

Jeffrey Lee Back

(Type or Print Name)

Jeffrey Lee Back

Signature

(Type or Print Name)

Signature

3612 Lilac Ave 789-4513

Address

Phone No

City

State

Zipcode

Name, Address and phone number or representative to be contacted

Jeffrey Lee Back

Name

3612 Lilac Ave 789-4513

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY:

DATE

9/8/95

#112



Printed with Soybean Ink
on Recycled Paper

ORDER RECEIVED FOR FILING

Date

By

EXHIBIT "A"

96-116-A

REQUEST FOR VARIANCE FOR PROPERTY OWNED BY JEFFREY LEE BACK, LOCATED AT 3612
LILAC AVENUE, BALTIMORE, MARYLAND 21227

My property is situated on the corner of Lilac and Magnolia Avenues and due to the configuration of the lot and location of the house on the property, I cannot conform to the abovementioned Section of the Zoning regulations. I am unable to access the western side of my property from Lilac Avenue because of the location of my house, entrance to my basement and the sidewalk which was constructed along Magnolia Avenue. In addition to this, because of the proximity of my property to the intersection of Magnolia Avenue and Rose Avenue which is a blind corner, and as Magnolia Avenue is a heavily traveled street because of its direct access to Patapsco Avenue, access to the western side of my home would be extremely dangerous. I have a deck on the eastern side of my house, a playhouse for my children and a play area for my children and if I were to park my boat on this side, I would have to move the play house, a swingset which is cemented in ground, shed, etc. and this would also create a danger to my children because I would have to back my boat into my yard almost to the rear of my property, where my children and other neighborhood children play, in order to comply with the above mentioned Section.

96-116-A

ZONING DESCRIPTION FOR: 3612 LILAC AVENUE,
BALTIMORE, MARYLAND 21227

BEING all of Lot Nos. 872 and 873 situated on the east side of Lilac Avenue in the subdivision of English Consul Estate, Section A, which plat is recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 3, folio 108A, containing 7,581 sq. ft., more or less. Also known as 3612 Lilac Avenue and located in the Thirteenth Election District, First Councilmanic District.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-116-2

District: 13th Date of Posting: 10/12/95
Posted for: Variance
Petitioner: Jeffrey L. Beck
Location of property: 3612 Lilac Ave
Location of Signs: Facing roadway on property being signed
Remarks: _____
Posted by: [Signature] Date of return: 10/20/95
Number of Signs: 1





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 112 Petitioner: JEFFREY LEE BACK

Location: 3612 Lilac Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JEFFREY LEE BACK

ADDRESS: 3612 Lilac Ave

Baltimore Maryland 21227

PHONE NUMBER: 410-789-4513

CERTIFICATE OF PUBLICATION

_____, 10/13, 1995
TOWSON, MD.,

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on 10/5, 1995.

THE JEFFERSONIAN,

A. Henrickson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing herein on property identified herein as Room 106 of the County Office Building, 111 W. Chesapeake Avenue - in Towson, Maryland 21204, or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #98-118-A

(Item 112)
3612 Lilac Avenue, 2S
W/S Lilac Avenue, 2S
from c/1 Magnolia Avenue
13th Election District

1st Councilman's

Legal Owner(s):

Jeffrey Lee Back
Hearing: Monday, October 30,
1995 at 10:00 a.m. in Rm.
118, Old Courthouse

Variance to allow a recreational boat to be situated in the front yard in lieu of the required rear yard.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible, for
special accommodations
Please Call 887-3553.
(2) For information concerning the File and/or Hearing,
Please Call 887-8391.

10/04/95 October 5

TO: PUTUMENT PUBLISHING COMPANY
October 5, 1995 Issue - Jeffersonian

Please forward billing to:

Jeffrey Lee Back
3612 Lilac Avenue
Baltimore, MD 21227
789-4513

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-116-A (Item 112)
3612 Lilac Avenue
W/S Lilac Avenue, 25' from c/l Magnolia Avenue
13th Election District - 1st Councilmanic
Legal Owner: Jeffrey Lee Back
HEARING: MONDAY, OCTOBER 30, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to allow a recreational boat to be situated in the front yard in lieu of the required rear yard.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

96-116

00-1117

DATE 9-8-95 ACCOUNT R-001-GIS-000

AMOUNT \$ 85.00

RECEIVED Back
FROM: 010 -- Variance \$50 - Item # 112
080 -- Sign \$35 - Taken by: JRT
FOR: _____

\$85
BALANCE
TO 001-001-00-00-00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 25, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-116-A (Item 112)

3612 Lilac Avenue

W/S Lilac Avenue, 25' from c/l Magnolia Avenue

13th Election District - 1st Councilmanic

Legal Owner: Jeffrey Lee Back

HEARING: MONDAY, OCTOBER 30, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to allow a recreational boat to be situated in the front yard in lieu of the required rear yard.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Jeffrey Lee Back

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 23, 1995

Jeffrey Lee Back
3612 Lilac Avenue
Baltimore, Maryland 21227

RE: Item No.: 112
Case No.: 96-116-A
Petitioner: J. L. Back

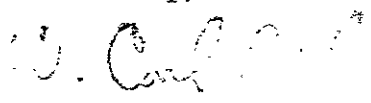
Dear Mr. Back:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 8, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: September 14, 1995

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 78, 80, 93, 94, 97, 99, 103, 104, 109, 110, 112, and 113

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

9-15-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 112 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Sept. 25, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief *RWB/DK*
Development Plans Review

RE: Zoning Advisory Committee Meeting
for September 25, 1995
Items 103, 104, 109, 110, 112, 114, and 115

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 9/25/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 9/18/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 103

104

107

108

109

110

111

112

113

114

115

116

LS:sp

LETTY2/DEPRM/TXTSBP

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/19/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF SEPT. 18, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 102, 103, 104, 105,
106, 107, 109, 110, 112, 113, 114 AND 115.

RECEIVED

SEP 21 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881. MS-1102F



PETITION PROBLEMS

#103 --- MJK

1. No telephone number for legal owner.

#104 --- MJK

1. Need attorney - incorporated.
2. Need printed name of person signing for legal owner.

#105 --- JCM

1. Need authorization for person signing for legal owner.
2. Zoning on variance petition says "BR-AS"; zoning on special exception and special hearing petition says "BL-AS"; folder says "BL-AS". Which is correct? Incorrect one needs to be corrected.

#106 --- JCM

1. Need authorization for person signing for legal owner.

#107 --- JCM

1. Need authorization for person signing for legal owner.

#109 --- JLL

1. No review information on bottom of petition form.

#110 --- JRA

1. No review information on bottom of petition form.

#112 --- JRF

1. No city, state, or zip code for legal owner.

#113 --- JJS

1. Legal owner did not sign back of petition form.
2. Notary section is invalid – no signature to notarize & no notary seal on the petition form. Also notary cannot notarize a signature of a relative (same last name - related?).

#116 --- JCM

1. Need typed name of person signing for Gilman School.
2. Need typed title of persons signing for both legal owners. Also authorization to sign for these owners.

RE: PETITION FOR VARIANCE
3612 Lilac Avenue, W/S Lilac Avenue,
25' from c/l Magnolia Avenue, 13th
Election District, 1st Councilmanic

Jeffrey Lee Back
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-116-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to Jeffrey Lee Back, 3612 Lilac Avenue, Baltimore, MD 21227, Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: 3612 Lilac Ave

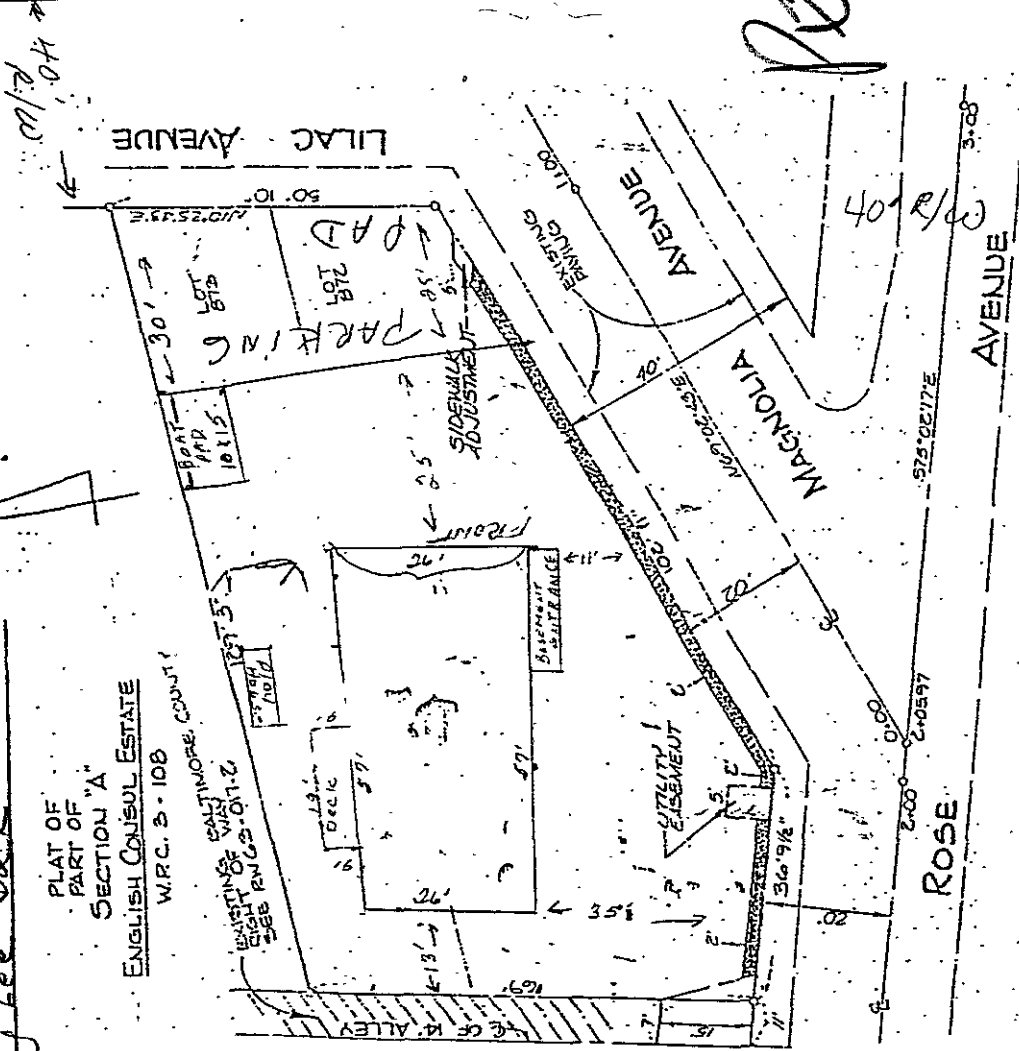
Subdivision name: English Consul Estates

plat book # 3, folio # 108, lot # 272, section # A

OWNER: Jeffrey Lee Back

96-116-A

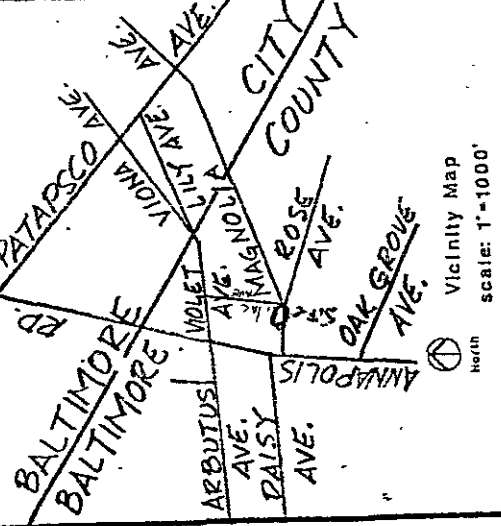
PLAT OF
PART OF
SECTION "A"
ENGLISH CONSUL ESTATE
W.R.C. 3-108
BALTIMORE COUNTY



North

date: 9/5/95
prepared by: SLB

Scale of Drawing: 1" = 30'



LOCATION INFORMATION

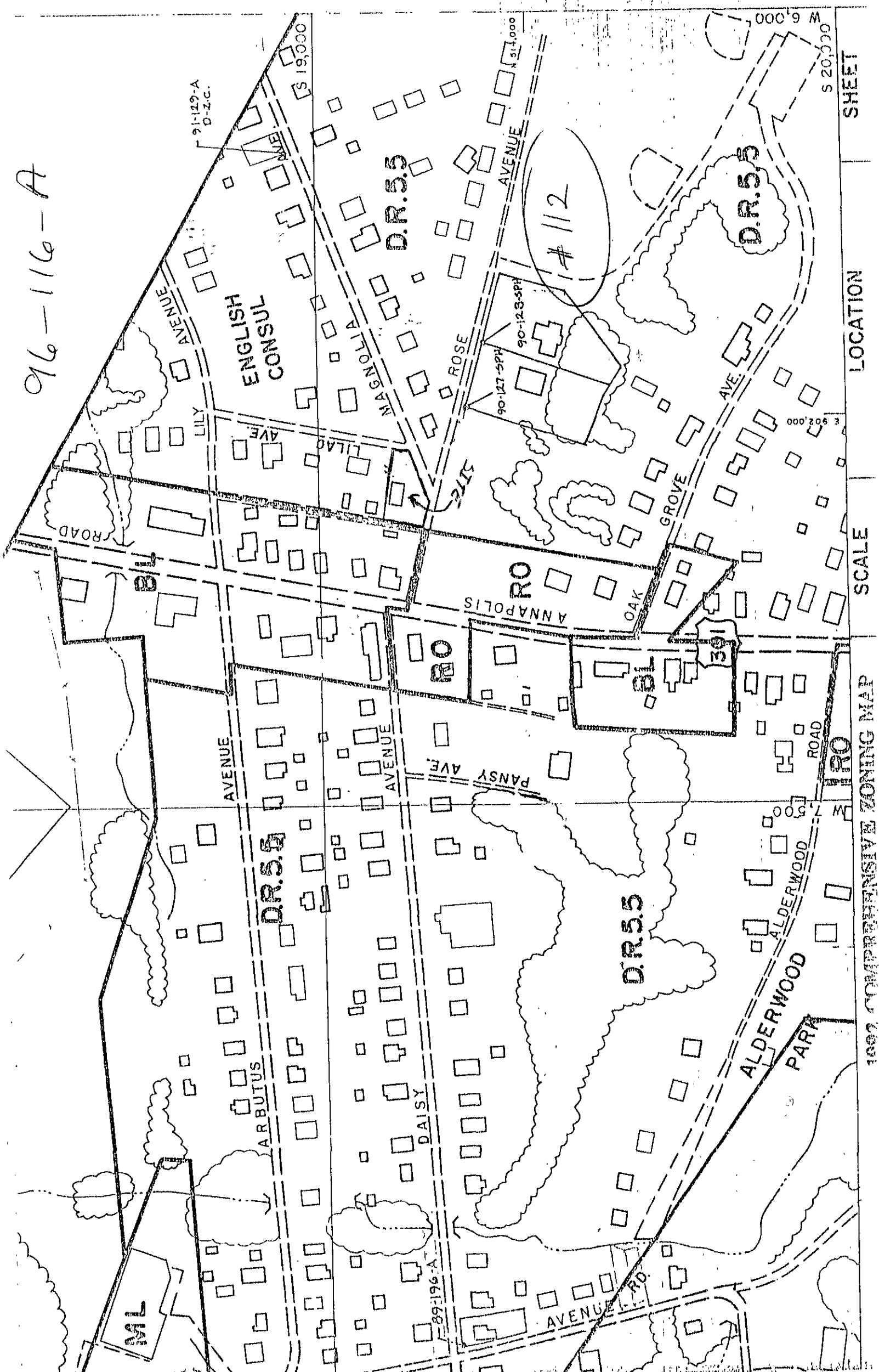
Election District: 13
Councilmanic District: 1
1"=200' scale map #: SW B-5
Zoning: DR 5.5
Lot size: 7.581 acreage
square feet

SEWER: ☒ public ☐ private
WATER: ☒ public ☐ private
Chesapeake Bay Critical Area: ☐ yes ☒ no
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: SLB ITEM #: 112 CASE #:

96-116-A



SHEET

LOCATION

SCALE

1992 COMPREHENSIVE ZONING MAP

IN RE: PETITION FOR VARIANCE
W/S Lilac Avenue, 25' E of the
c/1 of Magnolia Avenue
(3612 Lilac Avenue)
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Jeffrey Lee Back
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* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-116-A

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Testimony and evidence offered revealed that this property is a corner lot consisting of 7,581 sq.ft., zoned D.R. 5.5, and is improved with a single family dwelling approximately 90 years old. The Petitioner testified that the property has been in his family for 25 years and that he has always stored the subject boat in the front yard since his purchase of same 11 years ago. Testimony and evidence presented indicated that due

to the unusual configuration of this lot and the location of existing improvements thereon, there is insufficient space in the side or rear yards for the Petitioner to store his boat. A review of the site plan shows that an L-shaped parking pad extends across the front of this lot and that the Petitioner stores the boat on the extended portion of this parking pad. Mr. Back testified that during boating season, the boat is stored on a trailer and is covered with a tarp when not in use.

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An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

1) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 26 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. Furthermore, it is clear that the subject boat has been stored on the property since its purchase 11 years ago, without prior complaint and that the storage of either the boat or the camper on the subject property will not result in any detriment to the surrounding locale. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31st day of October, 1995 that the Petition for Variance seeking relief from Section 415.A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a recreational vehicle to be situated in the front yard in lieu of the required side or rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If for any reason this Order is reversed, the relief granted herein shall be rescinded.

2) The relief granted herein is limited to the Petitioner's storage of either the 15' fiberglass boat or the 26-foot camper he currently owns. In the event the Petitioner wishes to store a larger recreational vehicle on the premises, then a Petition for Special Hearing must be filed to determine the appropriateness of same. Furthermore, the Petitioner is limited to storing only one of the two subject recreational vehicles on the property at any one time.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 11/1/95
By bpj

ORDER RECEIVED FOR FILING

Date 11/1/95
By bpj

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Date 11/1/95
By bpj

ORDER RECEIVED FOR FILING

Date 11/1/95
By bpj

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

November 1, 1995

(410) 887-4386

Mr. Jeffrey Lee Back
3612 Lilac Avenue
Baltimore, Maryland 21227

RE: PETITION FOR VARIANCE
W/S Lilac Avenue, 25' E of the c/1 of Magnolia Avenue
(3612 Lilac Avenue)
13th Election District - 1st Councilmanic District
Jeffrey Lee Back - Petitioner
Case No. 96-116-A

Dear Mr. Back:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3612 Lilac Ave
96-116-A which is presently zoned DRS-1

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 415A.1A

To allow a recreational boat to be situated in the front yard in lieu of the required side yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):

See Exhibit "A"

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Casualty

Type of Petition Name

Signature

Address

City State Zip Code

Attorney for Petitioner

Type of Petition Name

Signature

Address

City State Zip Code

Phone No.

Date

Printed with Signature and on Required Paper

(We do solemnly swear and affirm under the penalties of perjury that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s)

Jeffrey Lee Back

Jeffrey Lee Back

Type of Petition Name

Signature

3612 Lilac Ave 96-116-A

Address

Jeffrey Lee Back

3612 Lilac Ave 96-116-A

Address

City State Zip Code

Phone No.

Date

Printed with Signature and on Required Paper

ESTIMATED LENGTH OF HEARING

estimated at for Hearing

the following date: Next Two Months

ALL OTHER

REMOVED BY: JP DATE: 9/8/95

#112

EXHIBIT "A"

96-116-A

REQUEST FOR VARIANCE FOR PROPERTY OWNED BY JEFFREY LEE BACK, LOCATED AT 3612 LILAC AVENUE, BALTIMORE, MARYLAND 21227

My property is situated on the corner of Lilac and Magnolia Avenues and due to the configuration of the lot and location of the house on the property, I cannot conform to the above-mentioned Section of the Zoning regulations. I am unable to access the western side of my property from Lilac Avenue because of the location of my house, entrance to my basement and the sidewalk which was constructed along Magnolia Avenue. In addition to this, because of the proximity of my property to the intersection of Magnolia Avenue and Rose Avenue which is a blind corner, and as Magnolia Avenue is a heavily traveled street because of its direct access to Patapsco Avenue, access to the western side of my home would be extremely dangerous. I have a deck on the eastern side of my house, a playhouse for my children and a play area for my children and if I were to park my boat on this side, I would have to move the play house, a swingset which is cemented in ground, shed, etc. and this would also create a danger to my children because I would have to back my boat into my yard almost to the rear of my property, where my children and other neighborhood children play, in order to comply with the above mentioned Section.

ZONING DESCRIPTION FOR: 3612 LILAC AVENUE
BALTIMORE, MARYLAND 21227

BEING all of Lot Nos. 872 and 873 situated on the east side of Lilac Avenue in the subdivision of English Consul Estate, Section A, which plat is recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 3, folio 108A, containing 1,281 sq. ft., more or less. Also known as 3612 Lilac Avenue and located in the Thirteenth Election District, First Councilmanic District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th Date of Posting: 10/12/95
Posted for: Jeffrey Lee Back
Petitioner: Jeffrey Lee Back
Location of property: 3612 Lilac Ave
Location of Sign: Jeffrey Lee Back, 3612 Lilac Ave, Baltimore, MD 21227
Remarks: Jeffrey Lee Back
Posted by: Jeffrey Lee Back Date of return: 10/12/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/13, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/13, 1995.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case No. 96-116-A (Item 112)
3612 Lilac Avenue
W/S Lilac Avenue, 25' from c/l Magnolia Avenue
13th Election District - 1st Councilmanic
Legal Owner: Jeffrey Lee Back
Hearing: MONDAY, OCTOBER 30, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to allow a recreational boat to be situated in the front yard in lieu of the required rear yard.
Variance to allow a recreational boat to be situated in the front yard in lieu of the required rear yard.
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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 112 Petitioner: JEFFREY LEE BACK

Location: 3612 Lilac Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JEFFREY LEE BACK

ADDRESS: 3612 Lilac Ave

Baltimore Maryland 21227

PHONE NUMBER: 410-789-9513

TO: POTENTIAL PUBLISHING COMPANY
October 5, 1995 Issue - Jeffersonian

Please forward billing to:
Jeffrey Lee Back
3612 Lilac Avenue
Baltimore, MD 21227
789-4513

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-116-A (Item 112)
3612 Lilac Avenue
W/S Lilac Avenue, 25' from c/l Magnolia Avenue
13th Election District - 1st Councilmanic
Legal Owner: Jeffrey Lee Back
Hearing: MONDAY, OCTOBER 30, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to allow a recreational boat to be situated in the front yard in lieu of the required rear yard.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 25, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-116-A (Item 112)
3612 Lilac Avenue
W/S Lilac Avenue, 25' from c/l Magnolia Avenue
13th Election District - 1st Councilmanic
Legal Owner: Jeffrey Lee Back
Hearing: MONDAY, OCTOBER 30, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to allow a recreational boat to be situated in the front yard in lieu of the required rear yard.

Arnold Jablon
Director

cc: Jeffrey Lee Back

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 23, 1995

Jeffrey Lee Back
3612 Lilac Avenue
Baltimore, Maryland 21227

RE: Item No.: 112
Case No.: 96-116-A
Petitioner: J. L. Back

Dear Mr. Back:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 8, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

N. Carl Richards, Jr.
N. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: September 14, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 78, 80, 93, 94, 97, 99, 103, 104, 109, 110, 112 and 113

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long

Division Chief: Carol L. Kinn

PK/JL



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 112 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech

1-800-735-2283 Statewide Toll Free

Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

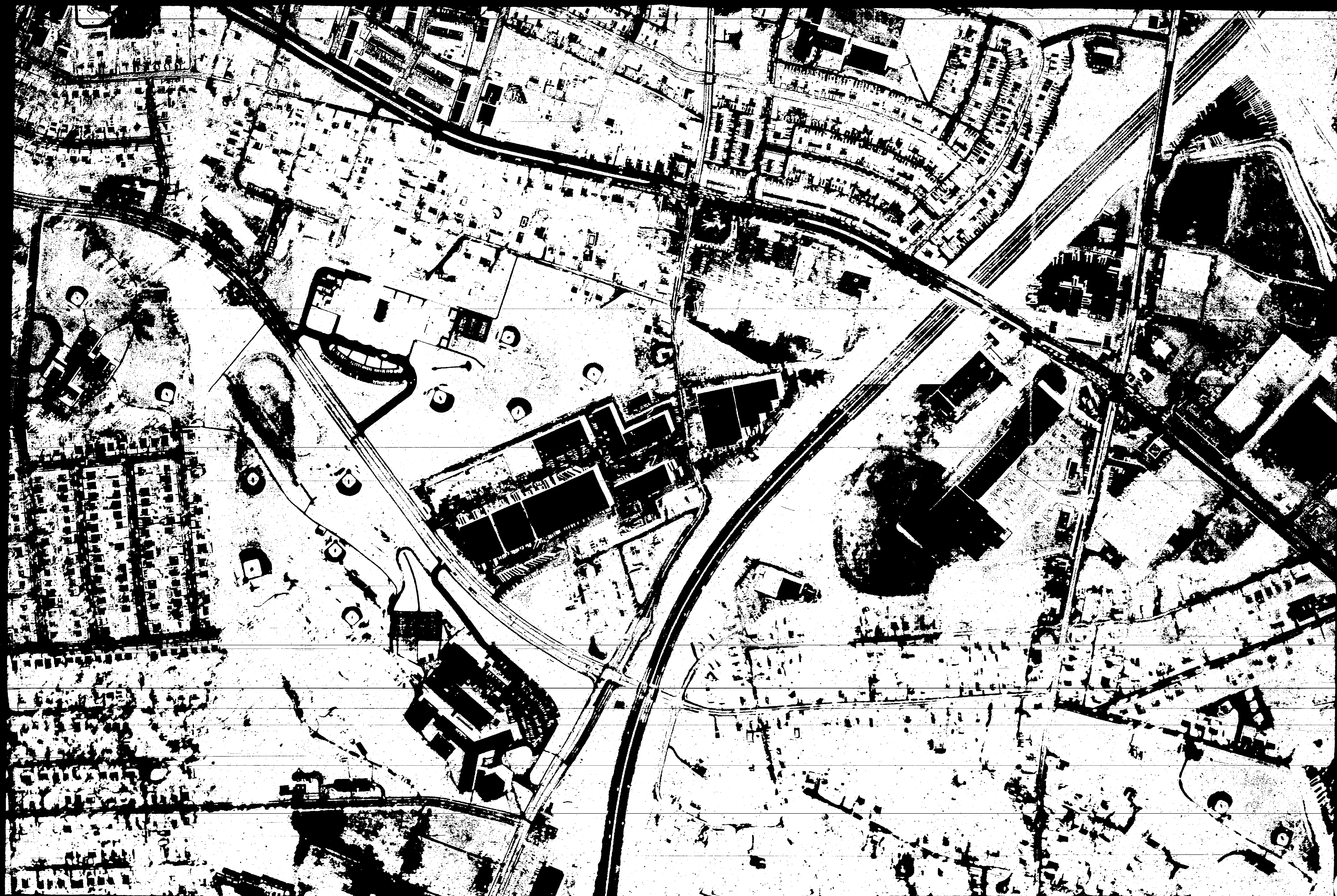
TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for September 25, 1995
Items 103, 104, 109, 110, 112, 114, and 115

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE

1" = 200' ±

DATE

OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

#112

LANS DOWNE

SHEET

S.W.
5-B

96-116-A

District: _____ Date of Posting: 10/13/95

Posted for: Special Hearing

Positioner: Edith G. + Elin G.

Location of property: SFB. N. 1/2 R. 1. 600. 600. 1. 1/2 + 500. 1. 1/2

Location of Sign: Facing the way on property being trans.

Remarks: _____

Posted by: [Signature] Date of return: 10/20/95

Number of Signs: 1

A. Henickson
LEGAL AD. - TOWSON

Phone Call 800-233-7111

10